

SENATE BILL 281

Introduced by B. Brown

2/05	Introduced
2/06	Referred to Business & Industry
2/06	First Reading
2/23	Tabled in Committee

1 SENATE BILL NO. 281
 2 INTRODUCED BY Bob Brown

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING MOTOR VEHICLE
 5 LIABILITY INSURANCE TO CONTAIN MEDICAL PAYMENTS COVERAGE
 6 UNLESS THE COVERAGE IS WAIVED BY THE INSURED; AND AMENDING
 7 SECTIONS 33-23-201 AND 33-23-203, MCA ."

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 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 33-23-201, MCA, is amended to read:

11 "33-23-201. Motor vehicle liability policies to include
 12 uninsured motorist coverage and medical payments coverage --
 13 rejection by insured. (1) No A motor vehicle liability
 14 policy insuring against loss resulting from liability
 15 imposed by law for bodily injury or death suffered by any
 16 person arising out of the ownership, maintenance, or use of
 17 a motor vehicle may not be delivered or issued for delivery
 18 in this state, with respect to any motor vehicle registered
 19 and-principally-garaged in this state, unless coverage is
 20 provided therein-or-supplemental-thereto;

21 (a) in limits for bodily injury or death set forth in
 22 61-6-103, under provisions filed with and approved by the
 23 commissioner, for the protection of persons insured
 24 thereunder under the policy who are legally entitled to
 25 recover damages from owners or operators of uninsured motor

1 vehicles because of bodily injury, sickness, or disease,
 2 including or death,--resulting therefrom, caused by an
 3 accident arising out of the operation or use of such an
 4 uninsured vehicle; and

5 (b) that indemnifies for medical payments in the amount
 6 of at least \$10,000 a person for the protection of all
 7 persons using the insured motor vehicle from losses
 8 resulting from bodily injury, sickness, disease, or death.
 9 Coverage written under this subsection (b) may be excess
 10 coverage over any other source of reimbursement to which the
 11 insured person has a legal right.

12 (2) An uninsured motor vehicle is a land motor vehicle,
 13 the ownership, the maintenance, or the use of which is not
 14 insured or bonded for bodily injury liability at the time of
 15 the accident.

16 (3) The named insured shall have the right to reject
 17 such the coverage required to be offered under subsection
 18 (1). Unless the named insured requests such the coverage in
 19 writing, such the coverage need not be provided in or
 20 supplemental to a renewal policy where the named insured had
 21 rejected the coverage in connection with the policy
 22 previously issued to him by the same insurer."

23 **Section 2.** Section 33-23-203, MCA, is amended to read:

24 "33-23-203. Limitation of liability under motor vehicle
 25 liability policy. (1) Unless a motor vehicle liability

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1 policy specifically provides otherwise, the limits of
2 insurance coverage available under ~~any--such~~ the policy,
3 including the limits of liability under uninsured motorist
4 coverage and medical payments coverage, must be determined
5 as follows, regardless of the number of motor vehicles
6 insured under the policy:

7 (a) the limit of insurance coverage available for any
8 one accident is the limit specified for the motor vehicle
9 involved in the accident;

10 (b) if no motor vehicle insured under the policy is
11 involved in the accident, the limit of insurance coverage
12 available for any one accident is the highest limit of
13 coverage specified for any one motor vehicle insured under
14 the policy; and

15 (c) the limits of coverage specified for each motor
16 vehicle insured under the policy may not be added together
17 to determine the limit of insurance coverage available under
18 the policy for any one accident.

19 (2) A motor vehicle liability policy may also provide
20 for other reasonable limitations, exclusions, or reductions
21 of coverage which are designed to prevent duplicate payments
22 for the same element of loss."

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